

REMARKS

Claims 1-26 stand pending in the instant application, with the examiner rejecting claims 1-4, 7, 8, 13, 14, 16, and 19-26 as being obvious over the references "Petch" and "Lundh" (both of record), claims 5, 6, 17, and 18 as being obvious over the references Petch and Lundh, in further view of "Sayers" (of record), and claims 9-12 as being obvious over Petch and Lundh, in further view of "Cho" (of record). The examiner also objected to Fig. 1 of the drawings, based on numbering/labeling informalities.

The instant application includes four independent claims (1, 13, 21, and 24), and each one of those independent claims is rejected as being obvious over the combination of the Petch and Lundh. These rejections plainly fail as a matter of law and must be withdrawn.

First, the combination of Petch and Lundh do not teach the applicant's invention as claimed. The claimed invention teaches the synchronization of a plurality of processor boards within a base station controller or transceiver, using a plurality of timing units. Petch does not teach the synchronization of multiple processor boards, nor does Lundh, so the combination cannot render the instant invention obvious.

In an attempt to argue that Lundh supplies the needed additions to the basic teachings of Petch, the examiner's action letter actually states that Lundh's use of the term "nodes" implies "processor boards." That implication is nowhere in Lundh, which actually teaches directly against making any such inference by consistently using the term "node" to refer to separate network entities, i.e., base station controllers. By no stretch of the imagination does Lundh teach or suggest anything about the applicant's claimed synchronization of plural processor boards. On this shortcoming alone, the examiner's rejection fails.

Further, the examiner's rejection of independent claims 1, 13, 21, and 24 on the combination of Petch and Lundh fails as a matter of law because the examiner did not carry his burden of making out a prima facie case for obviousness, which includes the requirement to set forth something more than a conclusory or hindsight motivation to combine the cited references. Indeed, the examiner offers no clearly articulated motivation to combine Petch and Lundh, other than generically to suggest that the

motivation is to achieve “synchronization that enables continuous and accurate synchronization and allows more control of adjustments necessary for synchronization.”

Respectfully, it is difficult to know what that assertion means, but it is clear that the examiner’s language does not meet the legal requirements imposed on him regarding the requirement to state an actual motivation to combine. The applicant’s instant invention is directed to the special problems associated with synchronizing multiple processor boards within a base station controller, for example, and neither the Petch reference nor the Lundh reference, alone or in combination, teaches or suggests anything about solving those problems. Moreover, the teachings of Lundh do not seem to complement the teachings of Petch in any meaningful way, and it is difficult to understand how Lundh and Petch could be combined—the examiner never offers any supporting explanation of the attempted combination.

Indeed, the examiner’s language in the Office Action do not address the specific limitations of the rejected claims, but rather seem to cast the instant invention generically as solving the top-level problem of synchronization in a wireless communication network. For example, the examiner’s states that Petch fails to disclose making timing adjustments based on predetermined offsets, but that Lundh supplies that teaching. However, that statement overlooks the larger point that neither Petch nor Lundh address the problem of synchronizing multiple processor boards using multiple timing units within a single entity, such as a base station controller.

In any case, the examiner’s obviousness rejections against the independent claims in the instant application do not carry the legal burden plainly imposed on the examiner under 35 U.S.C. § 103(a), and must be withdrawn. Because the rejections against all independent claims fail, the additional rejections against various ones of the dependent claims are rendered moot—the applicant notes that all such additional rejections are based on Petch and Lundh plus one or more additional references, and at least suffer from the same shortcomings as the basic combination of Petch and Lundh.

With the above arguments in mind and with the correction of drawing informalities noted by the examiner—see the attached replacement sheet for Fig. 1—the applicant respectfully requests that the examiner withdraw all claim rejections outstanding in the instant Office Action, so that prosecution of the instant application

can be timely advanced. As such, the undersigned attorney looks forward to the examiner's next correspondence.

Respectfully submitted,

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Dated: December 28, 2004



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